

**WARNER & SCHEUERMAN**  
**Attorneys at Law**  
**6 West 18th Street, 10th Floor**  
**New York, New York 10011**  
**Tel: (212) 924-7111**  
**Fax: (212) 924-6111**

**Jonathon D. Warner, Esq.**  
[jdwarner@wslaw.nyc](mailto:jdwarner@wslaw.nyc)

**Karl E. Scheuerman, Esq.**  
[kescheuerman@wslaw.nyc](mailto:kescheuerman@wslaw.nyc)

September 25, 2023

**VIA ECF**

Pamela K. Chen, U.S.D.J.  
United States District Court, Eastern District of New York  
225 Cadman Plaza East, Courtroom 4F North  
Brooklyn, New York 11201-1804

Re: *IME Watchdog, Inc. v. Gelardi, et al.*  
Case No.: 1:22-cv-1032 (PKC)(JRC)

Dear Judge Chen:

I represent defendants Safa Gelardi, Vito Gelardi and IME Companions LLC and write with respect to your Honor's Docket Order dated September 11, 2023, directing the parties to resolve their respective shares of the outstanding bill of Berkeley Research Group, LLC ("BRG"), the court-appointed forensic examiner.

I write to respectfully inform the Court that defendants presently lack the funds required to resolve their share of BRG's outstanding bill. Indeed, defendants have been forced out of business by this litigation and do not have the cash on hand necessary to pay BRG due to the loss of their principal source of income. I note that defendants currently owe my firm substantially more than they owe BRG. I have been advised that defendants have been liquidating assets and hope to satisfy their debts to both BRG and my firm upon the sale of their Staten Island home, which is on the market.

I apologize to the Court on defendants' behalf and will endeavor to keep BRG apprised of any developments pertaining to the defendants' ability to pay its outstanding bill, including the status of their efforts to sell their home. But defendants do not presently have the ability to pay BRG.

Pamela K. Chen, U.S.D.J.  
September 25, 2023  
Page -2-

I thank the Court for its patience and cooperation.

Respectfully yours,

*/s/ Jonathon D. Warner*

JDW/ks  
cc: All counsel (via ECF)